

MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JUNE 16, 2020 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Gardner at 7:30 p.m.

2. ROLL CALL

PRESENT: Commissioners Palmquist, Thompson, Volkenant, Dumas and Gardner
STAFF: City Administrator Kaltsas, Assistant to Administrator Horner
ABSENT: None
VISITORS: Zoom Audience members

Gardner asked Kaltsas to discuss an agenda item that needed review. Kaltsas stated there was a lot of concern around the agenda item and a social media post that was inaccurate. He noted there were also technical issues coming up so it should be pulled from the agenda so all are able to participate that would like to. The inaccurate information has caused a lot of confusion. Thompson said it was a good idea to remove it.

Motion by Palmquist to remove agenda item (5) a proposed text amendment to the City of Independence Ordinances as follows: Chapter 5, Section 510.05, Definitions and 530 Zoning District Provisions – Considering an amendment to the several definitions relating to permitted land uses in various districts and to consider amendment of permitted, accessory and conditional land uses in each district, second by Thompson. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

Kaltsas provided context around the agenda item. He noted the way it was written was creating legal issues in the City so it was determined there were points that needed to be clarified. Some of the definitions were ambiguous and Council decided needed to be looked at again for clarification. It would allow Council to consider and review various requests around the Ordinance. He noted Ag permitted use is regarding commercial use not hobby or personal types of operations. Ag and horticulture together allow a wide array of crops to be planted. Kaltsas said the overlay district being looked at would cover a broader area than the comprehensive plan. Kaltsas said this doesn't affect personal gardens and also does not change animal units permitted.

Dumas asked if legal, non-conforming status runs with the property with a sale. Kaltsas said it does run with the property.

Volkenant asked what an IUP is necessary. Kaltsas said if it was piece of property that didn't have a previous land-use under the definition. Kaltsas said the line of use is within the City's Comprehensive Plan. Palmquist noted the staff report and packet is on the website and both of these address these facts. Volkenant asked if the line was moving to 92. Kaltsas said that was not correct and any move like that would be a Met Council function. Gardner said it has shifted once or twice historically but not for long. Kaltsas said it could be a request but Met Council would have to approve it.

Gardner called to order the start of the official meeting.

3. Approval of Minutes:

- a. April 21, 2020 Planning Commission Meeting
- b. June 2, 2020 City Council Meeting Minutes (For Information Only)

Motion by Thompson to approve the June 16, 2020 Planning Commission minutes, second by Dumas. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

4. **PUBLIC HEARING:** Brett and Paige Broekema (Owner/Applicant) requests that the City consider the following actions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002):
 - a. Rezoning from AG-Agriculture to RR-Rural Residential; and
 - b. A minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.

The subject property is located west of the intersection of County Road 11 and County Road 90 and on the south side of County Road 11. The property has a single-family home and is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

Property Information: **PID No. 11-118-24-22-0002 County Road 11**

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage Before: *19.92 acres*

Acreage After Parcel A: *9.96 acres*

Acreage After Parcel B: *9.96 acres*

Motion to open the Public Hearing by Gardner, second by Palmquist.

This property is zoned AG-Agriculture, but guided RR-Rural Residential by the City's 2030 Comprehensive Land Use Plan. The applicant is seeking rezoning of the property to Rural Residential which would then allow the subject property to be subdivided. The City allows the subdivision of property in the rural residential zoning district in accordance with the requirements in the City's zoning ordinance.

Rezoning

Rezoning this property is consistent with the City's 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the east, west and south.

Minor Subdivision

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be four (4). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands and limited public road frontage. One factor that was considered in reviewing the subdivision is the location of the wetlands on the property. The wetlands cover approximately one-half of this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

Subd. 3. Density. Lots of record in the rural residential Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)
Area of Lot Maximum Number of Record of Lots Permitted

City of Independence

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7.5 acres or less One
 7.6 through 12.5 acres Two
 12.6 through 17.5 acres Three
17.6 through 22.5 acres Four
 22.6 through 27.5 acres Five
 27.6 through 32.5 acres Six
 32.6 through 37.5 acres Seven
 37.6 through 42.5 acres Eight
 42.6 through 47.5 acres Nine, plus one addn. lot for every five addn. acres of land.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

- (a) Minimum lot area ^a2.50 acres buildable land*
- (b) Maximum lot area 10 acres*
- (c) Minimum lot frontage on an improved public road or street:*

Lot area Lot area Minimum frontage
 2.50 – 3.49 acres ^b 200 feet
 3.50 – 4.99 acres ^b 250 feet 5.00 – 10.00 acres ^b 300 feet

(e) Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.

^aA lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

^bA waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

Lot No.	Gross Acres	Upland Acreage	Frontage	Lot Frontage/Depth
Parcel A	9.96 acres	5.00 acres	330.52 LF	~1:4
Parcel B	9.96 acres	5.60 acres	330.52 LF	~1:4

The proposed subdivision would create one new lot. The applicant has essentially proposing to split the existing property down the middle. A wetland delineation has been completed and identifies the wetland edge and requisite buffer. Access to both lots would be from CSAH 11. The existing house has a driveway that Access to both lots would be from CSAH 11. The existing house has a driveway that would remain in place and the County has reviewed and approved the proposed location (indicated on plans) for a new driveway to serve Parcel B. As historically has been done along County Road 11, Hennepin County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request for all subdivisions along CSAH 11.

Both lots are proposing to provide the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not trigger the City's stormwater management requirements because there will not be an increase in new impervious surface.

The newly created Parcel B will be required to pay the City's requisite park dedication fee. The requisite park dedication fees would be as follows:

Lot No. Gross Acres Park Dedication Amount

Parcel A 9.96 acres Existing Parcel

Parcel B 9.96 acres \$7,070 (\$3,500 plus 4.96 acres at \$750) total park dedication fee collected will be \$7,070.

1. The park dedication fees will need to be paid prior to the City recording the subdivision.
Park dedication fee of \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5 acres
The property is guided rural residential by the City's Comprehensive Plan. The proposed rezoning and subdivision are in keeping with the intent and guidance provided by the Comprehensive Plan.
2. The applicant provided the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site. The proposed sites are shown on the exhibit.
3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will be located within the drainage and utility easements.
4. The existing home on Parcel A will meet all applicable setbacks and standards in the after condition.
5. The applicant shows the building setback lines for Parcel B which demonstrates the ability of the proposed lot to accommodate a residential home and associated accessory structures.
6. The applicant is not proposing any additional public infrastructure as a result of this subdivision. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading the proposed rezoning and subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. Staff is seeking a recommendation from the Planning Commission for the requested Rezoning and Minor Subdivision.

Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. The proposed Rezoning and Minor Subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Minor Subdivision is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning

Commission and City Council.

c. The Applicant shall comply with all applicable Hennepin County transportation review comments and requirements.

d. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.

3. The Applicant shall pay the park dedication fees in the amount of \$7,070.

4. The Applicant shall pay for all costs associated with the City's review of the rezoning and minor subdivision.

5. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

Motion by Thompson to open the Public Hearing, second by Palmquist.

Public Hearing Open

No comments.

Motion by Thompson to close the Public Hearing, second by Palmquist.

Public Hearing Closed

Motion by Palmquist to approve the Rezoning from AG-Agriculture to RR-Rural Residential; and allow a minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions for the property located at 6275 County Road 11, Independence, MN (PID No. 11-118-24-22-0002);second by Thompson. Ayes: Gardner, Thompson, Volkenant, Dumas and Palmquist. Nays: None. Absent: None. Motion Approved.

5. Open/Misc.

6. Adjourn.

Motion by Palmquist, second by Thompson to adjourn at 8:15 p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary